

The "Broadcast Flag" proposal for digital television is a very bad idea (as are most digital rights management schemes). As a computer and network security expert, I understand the limitations of the technology, the limitations it would impose on fair use, and the cost. None of these make the technology desirable (to either side), but the combination is simply unacceptable.

LIMITATIONS ... even after countless future rounds of technological escalation and increasingly draconian laws, in the end, one fact will remain: if I can hear it and see it, I can copy it. Its a losing battle, which takes innovation, competition, and usability as collateral damage. That damage will reach far outside the entertainment electronics industry into the computer and communications industry at a time when innovation, competition, and usability are critical to economic recovery.

FAIR USE ... none of the technology can distinguish between infringing use and fair use. Therefore, many fair use activities will be hindered at the least, or completely prevented. Those (such as myself) that very strongly oppose copyright infringement would be forced to resort to circumvention simply to be able to get the fair use rights that have long been protected by copyright law. The harm to the consumer is obvious, but the industry would also suffer since the side effect would be to increase the demand for circumvention technology and black market copies of programs that would not hinder fair use.

COST ... I understand that piracy is costing the industry a lot of money. A cost that is ultimately born by the consumer, when they choose to buy a CD, DVD, or whatever. But, make no mistake that the proposed technology and the inevitable escalation thereof will be very costly. Very possibly even more costly than the piracy. Since DRM will have a very limited effect on reducing piracy, the DRM cost will be incremental to the consumer, ultimately embedded in every piece of electronics that consumers buy, so it will no longer be a matter of choice.

SMOKE ... piracy is a smoke screen to cover up the real motivation behind the "Broadcast Flag" (and most DRM schemes), which is about controlling the consumer, the market, and creating monopolies. This is clearly not in the best interest of the taxpayers and the government should absolutely not be enabling it. Just say "no"!

Sincerely,
//William R Soley//